

### REMARKS

In the Office Action, the disclosure was objected to. Claims 8 and 9 were rejected under 35 USC §103(a) as being unpatentable over Dobreski in view of Paxton.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

In response to the rejection in view of prior art, the Dobreski patent has been commented upon at the beginning of the specification with reference to its patent number. This patent serves as a basis for the problem which is solved by the present invention. This problem is to improve the method for manufacturing and installation for manufacturing of bags in comparison with the teachings of the Dobreski patent.

The Paxton '64 patent deals with a different type of bag. The bags are not provided with a cursor and closure strips on which the cursor slides. The bags are associated with closure for uniting the bunched neck of the bag, after the closures has been detached from the bag. The closure is, "secured adhesively to the front of each bag" by "spots of adhesive" as described at column 3, lines 9 and 14-15 of Paxton ('864). Accordingly, the closure is different from those of the present invention, and their operation is different also.

The operation of the bags in Paxton ('864) is distinguished especially by the fact that the closure needs to be forcibly detached from the adhesive connection to the bag prior to closing its neck. This detachment allows to provisionally fix the closure on the face of the bag, away from its mouth, which in turn allows a large choice for choosing the provisional position of the closure.

In other words, the echeloned arrangement of the closures is associated, in the mind of one of ordinary skill in the art, with the fact that the closure is aimed to be detached from an adhesive connection to the bag prior to closing. Accordingly, the advantage of the echeloned arrangement is intimately linked to this particular kind of bag and is not relevant to a sliding cursor-type bag, apparatus for making and especially method of making claims.

This patent cannot lead one of ordinary skill in the art to modify cursor-type bags in order to arrive at the present invention as set forth in claims 8 and 9.

With respect to the paragraph on page 3 of the Office Action concerning the filing of the Information Disclosure Statement on August 30, 2001, the Examiner is referred to MPEP §609 where the exceptions are set forth to the requirement that a copy of the information cited in an IDS must be supplied. Where information is previously cited in an application relied upon for an earlier filing date under 35 USC §120, such as a continuation

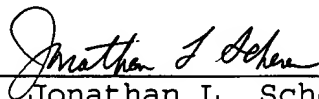
application, the Examiner will consider the information previously cited. The present application is a continuation of U.S. Application Serial No. 09/463,411 and the references cited in the Information Disclosure Statement of August 30, 2001 were cited and considered in the parent application. Therefore, copies of the cited references are not required in this application. However, to expedite the prosecution, the three foreign references indicated by the Examiner to be missing are attached hereto as a courtesy to the Examiner.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By:   
Jonathan L. Scherer  
Reg. No. 29,851

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
Date: February 19, 2003  
JLS/dmt

Serial No. : 09/941,585  
Atty. Docketing No. : P64439US1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please amend the specification as follows:

Please insert the following paragraph on page 1, before  
line 2.

--Field of the Invention--

Please insert the following paragraph on page 1, before  
line 4.

--Background of the Invention--

Please replace the paragraph beginning at page 1, line 18  
with the following rewritten paragraph.

~~Document US-5 682 730~~ U.S. Patent No. 5,682,730 discloses  
a stack of bags having a lower series of successive bags in which  
said distance has a first constant value such that the cursors are  
stacked one on another close to one end of the strips, and an upper  
series of successive bags in which said distance has a second  
constant value, different from the first value, with the cursors of  
said second series being stacked one on another at the other end of

the strips. In this way, the two stacks of cursors do not interfere with each other and both of them occupy almost the same height, thereby greatly reducing the total height of the stack. That disposition is made possible because the bags are flexible. Nevertheless, the height of the stack of bags remains relatively large.

Summary of the Invention--

Please insert the following paragraph on page 3, before line 16 as follows.

--Brief Description of the Drawings--

Please insert the following paragraph on page 3, before line 29 as follows.

--Detailed Description of the Preferred Embodiments--.

IN THE ABSTRACT:

Please amend the Abstract of the Disclosure as follows.

~~The invention relates to a~~ A set of at least three consecutive bags ~~(2)~~ in a succession, each bag having two closure strips ~~(6)~~ and a cursor ~~(8)~~ situated at a respective distance ~~(d<sub>1</sub>)~~ d<sub>1</sub> from one end ~~(10a)~~ of the strips ~~(6)~~, the strips and the cursor

being identical between the bags. Between the bags in each pair of adjacent bags, the ~~said~~ distances ~~( $d_1$ ,  $d_2$ )~~ are different.

IN THE CLAIMS:

Please amend claims 8 and 9 as follows:

8. (Twice Amended) A method of manufacturing at least three bags, each of the bags having two closure strips and a cursor slidably mounted on (said two cursor strips), the strips and the cursors being identical between the bags, said method comprising:

sliding each cursor along the strips at a respective distance from one end fo the strips, and

slidingly positioning the cursors ~~in such a manner that~~ with the distances ~~are being~~ different between every two adjacent and successive bags of said at least three bags.

9. (Twice Amended) An installation for manufacturing bags, each of the bags including two closure strips and a cursor slidably mounted on (said two cursor strips), the installation comprising

means for sliding each cursor along the strips at a respective distance from one end of the strips, the sliding means slide the cursors of every two adjacent and successive bags of at least three successive bags to distances that are different.